

NORTHERN ILLINOIS UNIVERSITY

Language Usage of Women Attorneys in the Courtroom

A Thesis Submitted to the

University Honors Program

In Partial Fulfillment of the

Requirements of the Baccalaureate Degree

With University Honors

Department of Women's Studies

by

Jennifer L. Laseman

DeKalb, Illinois

December 1996

Student name: Jennifer L. Laseman

Approved by: D. K. Hardy

Department of: English and Women's Studies

Date: Jan 6, 1997

HONORS THESIS ABSTRACT
THESIS SUBMISSION FORM

Author: Jennifer L. Laseman

Thesis Title: Language Usage of Women Attorneys in the Courtroom

Advisor: Dr. Hardy

Advisor's Dept: English

Discipline: Women's Studies

Year: Senior 1996

Page Length: 24

Bibliography: 2

Illustrated: No

Published: No

List Publication:-

Copies Available:-

Abstract:

The courtroom has long been deemed a place where "men's language" thrives. It is my contention that there are many positive aspects to the use of "women's language" in the courtroom. In my thesis I will demonstrate the positive aspects of "women's language" in the courtroom. I will begin my thesis with a discussion of what constitutes "women's language." I will discuss child language socialization, the use of hedges, tag questions, minimal response, question asking, turn-taking, and grammar usage. Next I will discuss women lawyers. I will concentrate on the new feminist firms which value women's style. Finally I will combine women's usage of language and women in the courtroom to explain the advantages of "women's language." I will also draw upon personal observation of the Assistant State's Attorney of Ogle county, Kathy Kauffmann, and Kelly Wilson, the legal advocate at a domestic crisis center, in the courtroom and conference room.

Gregory Matoesian was quoted as saying, "The legal system is not necessarily about truth and falsity, but winning and losing and that, in turn, depends largely on which side can best manipulate language" (Tannen, *Talking From 9 to 5* 57-58). I will explore the idea here that success in the legal field is largely centered around one's use of language, as Matoesian suggests. More specifically, I will discuss what is referred to as stereotypical "woman's language" and the advantages such "women's speak" confers in the courtroom. I will begin my exploration of women attorneys' language in the courtroom by sketching the differences between stereotypical men's and women's language and the socialization responsible for language differences. After exploring the language tools women use from among those that are available to them I will move on to a discussion of women as practicing lawyers. Lastly, I will combine the two subjects in a discussion about the language women lawyers use in the courtroom. I will use the combined data to prove that the use of "women's language" in the courtroom does have its own distinct advantages in certain situations such as domestic and family law, just as "men's language" has advantages in certain situations.

Most language theorists contend that we learn the stereotypical difference between masculine and feminine communication early in our lives. It is in the play groups and family environments of our childhood that we learn our communication skills. When children separate into same-sex play

groups they learn different interaction skills. Researchers have reported that boys tend to play in large hierarchically organized groups while girls play in smaller cooperative groups. Daniel Maltz and Ruth Borker(1982) report that girls use words in three ways:

1. to create and maintain relationships of closeness and equality
2. to criticise{sic}others in acceptable ways
3. to interpret accurately the speech of other girls.

(Coates, *Women, Men and Language* 158, citing Maltz and Borker)

Boys learn in groups to use words in three manners:

1. to assert a position of dominance
2. to attract and maintain an audience
3. to assert themselves when another speaker has the floor.(Coates, *Women, Men and Language* 158, citing Maltz and Borker)

Using these six characteristics Maltz and Borker have coined the terms "collaboration-oriented" for girls' talk and "competition-oriented" for boys' talk (Coates, *Women, Men and Language* 157-158). Maltz and Borker explain that in the collaboration-oriented play groups girls learn to read relationships and situations with sensitivity and react in kind (Henley 388). Boys learn to dominate the conversation, unmindful of other childrens' reactions.

Deborah Tannen proposes that boys try to attain center stage during their play by telling other boys what to do, telling jokes

and stories, challenging others, and boasting over skills. Boys are concerned with rules and winners and losers. Girls are more concerned with being liked; therefore, they do not give orders, challenge others, or boast about their abilities(*You Just Don't Understand* 43-44)

Tannen reports that girls are certainly capable of conducting play in a hierarchical structure, but few games call for this. When girls play house the play-mother often manages the rest of the "family" (*You Just Don't Understand* 46). Goodwin and Goodwin report that in mixed-sex interaction girls switch styles and use boys' strategies during an argument(Gal 415). This research indicates that girls are capable of using "boy's language" when they deem it appropriate.

We must consider why many girls choose not to conduct themselves in a manner associated with boys' competitive style. Robin Lakoff proposes that if a girl talks "rough" she will be made fun of, ostracized, or scolded. She states that this is the way society keeps girls in line. Lakoff concludes that "the acquisition of this special style of speech will later be an excuse others use to keep her in a demeaning position, to refuse to take her seriously as a human being" (Lakoff 281).

I feel that Lakoff's theory is oversimplified, negative, and out-dated. She describes a language of powerlessness and presents this as if the attributes apply solely to women's language. Lakoff denies the power of women's language, refusing to see that "women's language" has some positive qualities.

Lakoff contends that society forces girls to learn and communicate in this "weak" language for fear of public humiliation and ostracization.

I believe Jennifer Coates presents a more favorable theory describing how children acquire gendered communication skills. Coates explains that children learn what it is to be male or female as they establish a gender identity. Gender-identifying is brought on by interaction and observation of the adults in a child's life. She concludes that children learn gendered speech by identifying with the adult males or females in their lives (Coates, *Women, Men and Language* 143-144). In actuality girls appear to have an advantage in this theory because they gender-identify with the person who tends to be the primary caretaker (the mother), while boys must form an identification with a person who is not typically present as much (the father). Coates presents an object relations theory which allows for a more positive gender socialization than the Lakoff theory, which is based on reinforcement and punishment.

I have discussed childhood acquisition of gendered language so that we can see that many of the strategies of speech we learn in our play groups transfer to our adult conversations. It is important that we understand the socialization which is behind the way each sex has learned to communicate. Now I will move on to discuss some of the general characteristics of women's language.

The first aspect of women's language I will discuss is the use of hedges. According to Coates, "Hedges are linguistic forms such as *I think, I'm sure, you know, sort of and perhaps*, which express the speaker's certainty or uncertainty about the proposition under discussion" (*Women, Men, and Language*, 116). Lakoff argues that the use of hedges conveys a message of impreciseness and indirectness (*Talking Power* 204). Studies show that women do use more hedges in certain situations.

Early research, such as Lakoff's, may be flawed because of the failure to take into account the range of functions various linguistic features may possess. The necessary component we must analyze is the function of the hedges women use, rather than assuming that the use of hedges always indicates weakness and uncertainty. Janet Holmes researched the use of the hedge "you know." Holmes broke her findings down into two groups: those expressing confidence and those expressing uncertainty.

<u>Function of "you know"</u>	<u>Female</u>	<u>Male</u>
Expressing confidence	56	37
Expressing uncertainty	33	50
<u>Totals</u>	<u>89</u>	<u>87</u>

Holmes's findings suggest that women use this hedge more often to show confidence, not insecurity as Lakoff proposes (Coates, *Women, Men and Language* 116-117, citing Holmes, *Women and Language in Australian and New Zealand Society*, 59-79).

Coates's research on hedge use in single-sex groups also revealed that women use hedges to express more than uncertainty.

Coates found that one common use of hedges among women was to temper the force of a remark. Women hedge so that they do not appear too face-threatening (Coates, *Women, Men and Language* 117-118). Hedging allows the speaker to respect the face needs of the addressee (Coates, "Gossip Revisited" 114). An example of this is "Well that sweater kind of sort of makes you look perhaps a little, umm, frumpy." Therefore, we can conclude that women primarily use hedges as an expression of certainty, or as a means of maintaining polite conversation.

A second linguistic device attributed to women's language is the use of tag questions. Tag questions are another feature that Lakoff connects with the powerlessness of women's language; I will take a different stance and defend the usefulness of tag questions because of the "facilitative" function.

Janet Holmes constructed a model in which tag questions may function in two main manners, modal and affective. Modal tags are "speaker-oriented" because they focus on gaining information for the speaker's needs or confirming the speaker's assertion. An example of this type of tag question is (Wife to Husband) "You added onions to the salad, didn't you?" Affective tags are "addressee-oriented", focusing on protecting the face of the addressee or facilitating in drawing another person into the conversation. Affective tags can be used to soften a directive, such as, "Have these papers to me tomorrow, could you?" Affective tags can also draw a person into a conversation as in this example "That was an excellent book, wasn't it?" The

speaker knows that it was a good book and is now trying to facilitate the discussion, or keep it going smoothly (Cameron, "Lakoff in Context" 80-83).

Cameron, McAlinden and O'Leary set up a study of tag question in situations in which the participants did not have equal status. They examined powerful and powerless speech in male and female mixed groups, and came up with some unexpected findings. Some examples of what is referred to as "powerless" language are the use of hedges, super polite forms, tag questions, empty adjectives, and hypercorrect grammar and pronunciation. An example of "powerful" language is the use of interruptions for the purpose of conversational dominance (Coates, *Women, Men, and Language*, 132-135). The table below lists their findings:

	<u>Women</u>		<u>Men</u>	
	<u>P'ful</u>	<u>P'less</u>	<u>P'full</u>	<u>P'less</u>
Modal	3	9	10	16
Affective Facilitative	43	0	25	0
Softeners	6	0	4	0
Total	61		55	

This study disputes the Lakoff theory that not only are tag questions a feature peculiar to women's language but they have

the sole function of showing indecisiveness and the inability to support an opinion of one's own (Cameron, McAlinden, and O'Leary 85). Cameron et al.'s research reveals that women in powerful positions use affective tag questions out of a need to direct the flow of the conversation and to keep others involved (Cameron, "Lakoff in Context" 88-89). Women may use slightly more tag questions, but these do not express a lack of understanding or powerlessness on their part. They express the sensitivity women are likely to have to another speaker and the attention they pay to that aspect of conversation.

The use of minimal responses is another reported characteristic of women's speech. Minimal responses are utterances such as "mm, mhm, and yeah" that encourage the speaker to continue to talk (Holmes 56). Minimal responses may also include nonverbal cues such as nodding one's head or smiling. All research on the topic indicates that women use minimal response more often and with greater linguistic sensitivity than men (Coates, "Gossip Revisited" 105-106). Women use minimal responses to indicate that they are listening and to support the person who has the floor. Men use minimal responses far less frequently, and do so primarily with the intent of expressing their agreement with the speaker (Coates, Women, Men, and Language 189). Women also issue more positive minimal responses (PMR), e.g. "please continue, I'm listening" Men of course occasionally use PMR's as well e.g. "I agree" (Henley 388), but women are reported to use them more.

Men are found to use "delayed" minimal responses more often than women. A "delayed" minimal response is when a response such as "mhm" or "yeah" is given slightly after the appropriate spot in the conversation. Delayed minimal responses indicate a lack of interest and discourage interaction. They also function to control the topic and determine what topic gets picked up in conversation, since they may cause the speaker to fall silent and "drop" the topic. This observation supports the claim of male attempts at dominance in mixed-sex conversations(Henley 391).

Question-asking is also viewed as another conversational weakness in women's language. The theory behind this is that women display their ignorance by asking more questions than men, putting themselves in a one-down position. The implication is that information-seeking is the only purpose to questions. Pamela Fisheman explains in her research that questions are used to elicit responses and demand more interaction (Coates, *Women, Men and Language* 122). Research suggests that women do use interrogative forms more than men, usually to keep the conversation going(Coates, *Women, Men and Language* 122).

Questions can also be seen as powerful because they control the conversation by limiting what the next speaker can say. Also, in an asymmetrical situation of power, the more powerful participant may exercise the privilege of asking many questions while the powerless participant can't ask questions and must respond to questions asked(Coates, *Women, Men and Language* 123). Asymmetrical professional situations where this unequal power

exists are between lawyer and defendant, teacher and pupil, and doctor and patient.

One reason women's use of questions is viewed as weak is because of men's interpretation of questions as showing ignorance or incompetence. While women use questions as conversational maintenance men may more often use questions as requests for information. Thus men may hear women's questions as requests for information and respond by placing themselves in the role of authority to answer the questions (Henley 358).

The next area of language I will discuss is men's and women's roles in conversational dominance and turn-taking. According to Coates, men tend to dominate most conversations with women (Coates, *Women, Men and Language* 113). There are two features in turn-taking that I will consider: overlap and interruptions. An overlap is a slight over-anticipation of turn by the next speaker which causes them to overlap the speaker's last word. An interruption is when the next speaker begins to speak while the current speaker is still talking. An interruption is a violation of the turn-taking process and often causes the interrupted person's silence (Coates, *Women, Men and Language* 109). In a famous study, Zimmerman and West analyzed conversations between twenty same-sex pairs and eleven mixed-sex pairs for overlaps and interruptions. The results are shown in the below table (Coates, *Women, Men and Language* 110).

Turn-taking in twenty same-sex pairs

	1st speaker	2nd speaker	total
Overlaps	12	10	22
Interruptions	3	4	7

Turn-taking in eleven mixed-sex pairs

	Male speakers	female speakers	total
Overlaps	9	0	9
Interruption	46	2	48

As one can see men more frequently use interruption when talking with women while women use it less often with men. Men use interruption, overlaps, and negative minimal responses to control and enforce women's silence in conversations (Woods 143). This control makes men appear to be stronger conversationalist.

Lakoff also believes that women are more "careful" about their grammar usage, tending to use better grammar (even hypercorrecting) than men(Talking Power 204). She feels that this reinforces the idea that women are trying to gain status through language because they lack social power. Surveys indicate that women do score higher than men for the use of prestige variants and lower than men for vernacular variants(Cameron, "Some Problems..." 15).Women in every class also tend to use fewer stigmatized forms than men (Cameron, "Some Problems..." 17). This sensitivity to and usage of prestige variants is often

associated with insecurity in social position; as lower-middle class speakers are also found to possess this sensitivity.

Interestingly, social psychologists studying attitudes toward accents in Britain have found that there are "rewards" for using the more prestigious form of communication. Speakers using the more prestigious form were perceived as being more ambitious, more intelligent, and more self-confident. Speakers of the non-standard, less prestigious form were rated as serious, talkative, good-natured, and as having a sense of humor (Coates, *Women, Men and Language* 83). There was no mention of social insecurity on the part of the speakers who used a more prestigious accent and pronunciation.

Now that I have discussed some of the major linguistic characteristics associated with women's language, I will move on to discuss women as lawyers. Female lawyers are entering into a field that has historically been plagued with prejudice against them, as has been the case with many professions. As early as the 1970's law school gatekeepers still felt that women might be too idealistic and fragile to handle the rough and competitive world of the legal business (Epstein 39). At this same time large law firms were still listing Jews, blacks and women negatively or least desirable for job selection; females drew the most negative rating (Epstein 83).

Even today tough male lawyers are praised for driving a hard bargain, but tough women lawyers are considered difficult to work with. In 1975, women constituted 25% of the law students; by

1990, the numbers rose to nearly 50%. Yet men still hold 90% of the federal and state benches. Women also make up only 10% or less of the partners in law firms nationally (Harrington 15). Perhaps women are still in the pipeline or perhaps they are hitting the glass ceiling. Whatever the problem some women are finding a way to practice the type of law that they wish to; these are the women I will be focusing on.

When women lawyers were interviewed about how they felt about themselves they tended to have a high self-esteem. Cynthia Epstein hypothesizes that :

Unconventional upbringings and idiosyncratic experiences may have developed in them personalities with the strong "survivor" components typical of women in untraditional fields. Self-confident women are not likely to recognize the punishing or uncomfortable social dimensions of their work worlds or, if they do, they find ways of avoiding them....(Epstein 306).

I believe that it is this self-confidence and "survivor" quality which has allowed women to strike out to find their own niche or even create a spot for themselves within a firm, an in-house corporation, or legal aid office. Women lawyers are beginning to recognize their own assets; they are learning that ritualistic arguments are not the only way to win in a courtroom.

An example of women creating their own niche is the arrival of the feminist law firms. These firms are based on collaboration, equality, a balance of work and personal lives,

and a valuing of themselves and each other in human, not monetary terms. This collaboration and equality is stressed by all office partners having the same size office and splitting money brought in equally. Unlike large traditional firms these feminist firms are not based on a hierarchy of billed hours. Feminist firms recognize the need for a personal life and don't measure their self-worth in terms of money (Harrington 184-185).

This new approach to law practice also gives the client greater respect. Epstein contends that women expect more from a female attorney than they do a male. Women want a female attorney to give more of herself and show more than a professional interest(154). I believe many women also believe that one should be on good relations with their client. Linda, an attorney, states "I often see my relationship to clients as the creation of a personal relationship. Some would say that's unprofessional. But I really think that relationships based on trust don't emerge from manipulation. I treat clients with respect"(Pierce 122).

Margaret, another attorney, also believes one does not need to be rude, aggressive, and domineering to do her work. Margaret bases her style on mutual trust and respect. This style has also won her cooperation and admiration from opposing counsel, who once said " Look Margaret, I don't trust Howard,(her adversarial type co-worker) but I trust you, I think we can work this out"(Pierce 123).

Perhaps this deep commitment many female attorneys have for their clients is the reason they choose not to socialize with opposing counsel after work. It seems to be a frequent complaint by men against women that they can't fight it out in the courtroom then go out for a cup of coffee afterwards (Epstein 288-289). I think this difference is because men regard the court as a mere ritual competition in which one side wins and the other loses; women tend to connect on a more personal level and see courtroom tactics as attacks on a person, and not merely a strategy for winning.

Women in these firms stress that they don't need to be pushy and abrasive to succeed in the courtroom. One partner stressed that it was especially important to listen and observe in order to figure out what the other side wants. If a lawyer enters the room in traditional "Rambo" litigator style they may miss the subtleties that tell you what is really happening (Harrington 185). These women still market themselves as tough because they feel there currently isn't a way to explain their style. One woman says, "I don't think there's ever been a language to talk about these things. You just have to be it, and develop a reputation"(Harrington 187).

What is this style that can't be described? What is this style that is based on equality, collaboration, and respect for your partners and your client? I think this style easily connects with the classic descriptions of "women's language." In this next discussion I will present the positive side to women's

language as used in the court of law. I will combine research done on language with my own observational "case studies." I have been interning with a legal advocate at a domestic crisis center. A majority of my time is spent at the courthouse helping fill out papers for Orders of Protection, sitting in court sessions, and conferences between the advocate, Kelly Wilson, the petitioner, and occasionally the Assistant States Attorney Kathy Kauffmann.

Hedges, tag questions, question asking, positive minimal response, and turn-taking are all part of a system for polite communication. Many people assume politeness implies a lower social position and weakness; however, as I will show there are many "rewards" for using polite language. Candace West conducted a study of the directives used by male and female doctors to their patients. Male doctors used "aggravated" forms, such as "Lie down", or "Take off your shoes and socks." Female doctors tended to use mitigated forms more often, such as "Maybe we ought to do this" or "Okay? well let's make our plan" (Coates, *Women, Men and Language* 125-126). West discovered that patients reacted differently toward the doctors and their directives. Women doctors, using mitigated directives, were far more successful in getting patients to do something than were men using aggravated mitigators. West reported that "the more aggravated the directive, the less likely it was to elicit a compliant response"(Coates, *Women, Men and Language* 126). Overall the

compliance rate for women doctors was 67 percent, compared to male doctors' 50 percent (Coates, *Women, Men and Language* 126).

I believe that this study shows that devices like tag questions and hedges protect the addressee's face and thus the speaker is given more compliance for their politeness. This study has implications for the behavior of women lawyers in at least two ways. First, with regard to interaction with witnesses, women attorneys may get a more details or honest answer because they appear less threatening when they use polite forms such as hedges and tag questions.

This study applies also has implications for a lawyer's interaction with the jury or the judge. One must consider that the overall goal of the trial is to get the judge or jury to comply with your wishes. If one wants compliance West's study shows that mitigated directives and politeness are rewarded with compliance. Consider for a moment who you, a jury member, would find more credible and more sincerely interested in the truth: a "rambo litigator" who struts in demanding you follow his directive or a calm female lawyer who presents the facts in a respectable manner (not grilling the witnesses but questioning them)?

Having the jury like and trust you is a big advantage for the attorney. At the National Institute for Trial Advocacy teachers stress the importance of selecting a jury favorable to you. One teacher, a judge, lectures his class to "Sell your personality to the jury. Try to get liked by the jury. You're

not working for a fair jury, but one favorable to your side"(Pierce 74). Clifford Irving's novel Trial sums up this idea when the judge states, "Assuming his case has some merit, if a lawyer gets a jury to like him and then trust him more than the son of a bitch who's arguing against him, he's home free"(Pierce 75). The point is to get the jury to like and trust you, which is what treating people with politeness usually does.

While observing Kathy Kauffmann I have noticed that she is very polite. When she is talking to a woman about abuse she will hedge sometimes by adding an "umm" in her questioning. This filler relaxes the client making the questioning seem unrushed and allows for client interruptions. She is also polite to the judge. I can see that this politeness works for her because she is well-respected and she gets things done. I have also observed many male attorneys who are rude and disrespectful to the opposing side, their clients, and even the judge. Some of these attorneys will even curse regularly in the courtroom, I have never heard a woman do this. Wilson has stated that some judges will find the lawyer in contempt for this. The judge I witnessed held his tongue but became more abrupt and irritated with the attorney.

Another feature of women's language that can be viewed in a positive light when being used by a female attorney is the use of a minimal response, especially a positive minimal response. The use of positive minimal responses could benefit both male and female attorneys. Positive minimal responses are verbal

reinforcements. Many psychological writings show that people speak more when reinforced with positive minimal responses(Henley 391). Basically what this is saying is that women's nodding and encouragements such as " continue, I'm listening" get people to talk more.

Getting people to talk more can have positive advantages for women lawyers. Kelly Wilson, the legal advocate at H.O.P.E. and my mentor, told me that if a defendant is lying and you can get them to talk a lot, sooner or later they will slip up in their story. Just like the old adage says, "If you give a person enough rope they will hang themselves."

A second positive way minimal response works is in getting your own client to tell you things they might have forgotten. I have sat in on a conference with Kathy Kauffmann and have seen her use this tactic, probably without even consciously realizing it. She will nod, smile, and occasionally interject comments which make the petitioner feel comfortable. Soon the petitioner is recalling events they had forgotten or were afraid to mention, possibly for fear of looking bad. This encouraging, low-key approach also works well when taking depositions and when arguing against the opposing counsel. One lawyer from a feminist law firm reported:

You can often see this in taking depositions. If you take a quiet, sympathetic approach, you can often get more out of a witness, because the witness forgets you are the adversary. It seems just like a conversation with a nice,

interested person. You can disarm a negotiator the same way-be tenacious but quietly, calmly tenacious. It's very disarming when someone is used to bluster and hitting up against bluster on the other side. They're lost if you don't yell back. (Harrington 186)

Women's question-asking can also be used to advantage by a lawyer. For one thing, a good lawyer must be able to ask good productive questions, and not be afraid to ask questions. There are also less obvious pluses to women's style of asking questions. In a New Zealand study discussed by Janet Holmes, women and men were asked to describe a picture to an interviewer. Each interviewee performed the task with a male and a female interviewer. The purpose was to see who was more sensitive to "talk requirements." Interviewees knew that the more speech that was produced the better(35-36).

The results were interesting in part: female interviewee to female interviewer had the highest words per interview (Approximately 790), Male interviewee to female interviewer was next(Approximately 760), Female interviewee to male interviewer was slightly lower(Approximately 750), while male to male plummeted to just below 600 words per interview (Holmes 36). What this shows is that not only are females more sensitive to talk requirements, but they are capable of eliciting a longer verbal response than male interviewers. This is an advantage to female lawyers because, as discussed before, more talk means more information or more of a chance of a slip up in a story.

Holmes also discusses two other studies which reveal that men tend to ask response-restricting questions while women ask more open-ended questions to facilitate conversation and keep it flowing in whatever direction. Response-restricting questions elicit short answers. Facilitative questions direct the flow of thought without being abrupt and interrupting (Holmes 49). In a study on New Zealand men and women, it was noted that men participated in more aggressive negative questioning. Women, on the other hand, were more concerned with the positive face needs of the respondent. Holmes makes a point of informing us that aggressively negative questioning leads people to take up entrenched positions, where no thought is required. Women's style of questioning, Holmes argues, is more likely to facilitate more fully thought out answers (Holmes 47). Some may see an advantage in short, to the point answers, but there are drawbacks. For instance, they may appear rehearsed or lack conviction.

Once again I have seen this open facilitative questioning style in use by both Kelly Wilson and Kathy Kauffmann. This type of questioning works especially well when one is talking to abuse victims. There is a tendency for abuse victims to feel guilty or in their words, "stupid" because they were treated badly. When open-ended questions are asked in a pretrial conference it gives the victim a chance to tell her complete story. Thus victims get to explain their own defense for why they stayed. Taking away their right to tell their whole story

can "revictimize" them and make them feel that they aren't a person worthy of respectful and attentive treatment.

I have seen the way Kauffmann combines her listening skills and open question; she may even touch the victim(say, a hand on the back), and she puts the victim at ease when they testify. I have seen the way this treatment makes the victim more comfortable and almost stronger. You can almost see the victim walk away at the end of a court session(to get an Order of Protection) with her head held a little higher. Even though court can be a traumatic experience women like Wilson and Kauffmann are still able to give the victim back a little respect by the way they treat them.

Interestingly, Holmes explains that women in a public setting seem not to question the speaker as much as men do. Holmes believes that women perceive ignorant or obvious questions as an insult to the speaker. Therefore, women feel they should be educated or even an expert on the subject to qualify to discuss it (Holmes, 42). After my observations of Kauffmann, I think women do try to be better prepared to ask intelligent questions. I saw one male lawyer attempt to play dumb in front of the judge. He acted like he didn't understand how the charges pertained to his client. The lawyer looked ill-prepared and sly, acting like the charges were so absurd that even he didn't understand them.

Lastly I will discuss women lawyer's use of turn-taking strategies. The studies mentioned previously illustrated the fact

that men interrupt women at a far greater percentage. It also shows that women are more likely to overlap one another than they are a man. I think that interruption is an important skill for a lawyer to master in times of objection. Overall, however, court is set up in a manner of ritualized turn-taking. In the courtroom, lawyers do not have to fight to get to ask questions because of the formal turn-taking structure. I saw this structure each time I sat in on court. Usually the judge directs the flow of conversation, and only they have the privilege of interrupting proceedings.

I think that in the formal setting of the courtroom, and given the training an attorney receives, a woman will learn to interrupt when necessary in order to raise an objection. I believe that Goodwin and Goodwin's research, which indicates that girls in mixed-sex arguments use some boys' styles, shows that women are capable of using such strategies as interruption when necessary (Gal 415).

I did hear cases of overlap in conferences between Wilson, Kauffmann, and the petitioner. The overlap did not stop the speaker, but instead reaffirmed the speaker's thoughts. It was interesting to hear both women interrupting one another, irregardless of the higher status of Kauffmann. Often accompanying the overlap were nonverbal reinforcements like vigorous nodding of one's head. When the victim spoke she was rarely interrupted except for purposes of eliciting more information.

A separate observation I made, is Kauffmann's occasional use of "man's speech". Wilson asked a question about paperwork to which Kauffmann replied, "Don't worry your pretty little head." This comment, though made in jest, was condescending and reminded Wilson that she did not have the same status as Kauffmann. Kauffmann realized that this offended Wilson and tried to restore positive face to Wilson. She did this by referring a question back to Wilson saying, "I'm just the mouth piece, Kelly is the expert." I think that Kauffmann adjusted her language once she was reminded that she was not talking to competitive men in the courtroom, but women cooperating for a common goal.

Lastly I would like to make a comment on a non-linguistic signal that can reflect on a lawyer's competence. This signal is the manner of dress. I observed that Kauffmann always wore well-tailored clothing, with a bit of flair. This "personal signature" may be expressed in jewelry, a scarf, or a bright shirt under a jacket. Perhaps because I have the perspective of a woman I interpreted Kauffmann's style as being neat, pleasing, and professional. She appeared confident enough that she didn't have to try and hide her femininity, yet she knew what was appropriate for court. Tannen believes that all women's dress styles are marked, and I can see that dress really does play a part in first impressions(*Talking From 9 to 5* 108-110). Kauffmann's style of dress is marked, but it sends a message of being professional and competent.

I was actually less impressed with the manner in which most of the men dressed. I saw many suits that did not fit properly or were even wrinkled. These suits gave the wearer an appearance of someone who is slovenly and doesn't care about details. The few men whose dress impressed me were well coordinated and appeared more meticulous.

In conclusion I would like to reaffirm the fact that there is a place in court for "women's language" in certain situations.

Wilson and I have discussed the fact that women are gaining ground in the courtroom. Women entering the field of law need to understand that there is a power in the politeness of "women's language." I believe that if women continue to bring their language into the courtroom and conference room people will notice that there is a better response to respectful politeness than to overbearing condescension. Women still need to be aggressive in speech but the special quality of adaptability to situations in women's speak allows for this. There are situations where both "men's" and "women's" language are useful and it is to the advantage of any lawyer to have a grasp on both. We need to stop questioning as to whether or not language merely reflects whether the user is powerful or powerless and instead concentrate on the effect the language used has on the listener. If you get the response you need why does your own status matter? If a lawyer is winning cases how can she be deemed powerless? I think the best way to prove the effectiveness of "women's language" is to use it and let the results speak for themselves.

As one woman lawyer stated, " You just have to be it, and develop a reputation" (Harrington 187).

Works Cited

- Cameron, Deborah., Fiona McAlinden, and Kathy O'Leary. "Lakoff in Context: the Social and Linguistic Functions of Tag Questions." Women in Their Speech Communities. Ed. Jennifer Coates and Deborah Cameron. Longman: New York, 1990. 74-92.
- Cameron, Deborah., and Jennifer Coates. "Some Problems in the Sociolinguistic Explanation of Sex Differences." Women in Their Speech Communities. Ed. Jennifer Coates and Deborah Cameron. Longman: New York, 1990. 13-24.
- Coates, Jennifer. "Gossip Revisited: Language in All-Female Groups." Women in Their Speech Communities. Ed. Jennifer Coates and Deborah Cameron. Longman: New York, 1990. 94-121.
- Coates, Jennifer. Women, Men, and Language. Longman: New York, 1993.
- Epstein, Cynthia Fuchs. Women in Law. University of Illinois: Urbana and Chicago, 1993.
- Gal, Susan. "Between Speech and Silence." The Women & Language Debate. Ed. Camille Roman, Suzanne Juhasz, and Cristanne Miller. Rutgers University: New Brunswick, 1994. 407-428.
- Harrington, Mona. Women Lawyers: Rewriting the Rules. Alfred A. Knopf: New York, 1994.
- Henley, Nancy M., and Cheris Kramarae. "Gender, Power, and Miscommunication." The Women & Language Debate. Ed. Camille Roman, Suzanne Juhasz, and Cristanne Miller. Rutgers University: New Brunswick, 1994. 383-403.

- Holmes, Janet. Women, Men, and Politeness. Longman: New York, 1995.
- Kauffmann, Kathy. Personal Observation . Aug-Sept 1996.
- Lakoff, Robin. "Language and Women's Place." The Women & Language Debate. Ed. Camille Roman, Suzanne Juhasz, and Cristanne Miller. Rutgers University: New Brunswick, 1994. 280-291.
- Lakoff, Robin. Talking Power. Basic Books: United States of America, 1990.
- Pierce, Jennifer. Gender Trials. University of California Press: Berkeley, 1995.
- Tannen, Deborah. Talking From 9 to 5. William Morrow and Company: New York, 1994.
- Tannen, Deborah. You Just Don't Understand: Women and Men in Conversation. Ballentine Books: New York, 1990.
- Wilson, Kelly. Personal Observation. Aug.-Sept. 1996.
- Woods, Nicola. "Talking Shop: Sex and Status as Determinants of Floor Apportionment in a Work Setting." Women in Their Speech Communities. Ed. Jennifer Coates and Deborah Cameron. Longman: New York, 1990. 141-157.